

PATENT APPLICATION
09/151,300 (A7205)

REMARKS

The present Amendment is in response to the Office Action dated January 6, 2000. In view of the foregoing amendments and the comments which follow, favorable reconsideration is kindly requested at this time.

In the Office Action, the Examiner has first rejected claims 13 and 16 under 35 U.S.C. § 112, pointing out minor problems with the wording of these claims. These informalities have been attended to by way of the present response, and it is believed that the claims now stand in good form.

Claims 10-12 and 22-26 have been found by the Examiner to contain allowable subject matter, which action is appreciated. Applicants reserve the right to present these claims in independent form at a later time. For the present, however, Applicants believe that somewhat broader claim coverage remains available.

Claims 1 and 3 have been rejected under § 102 as anticipated by Simmons, and claims 2, 4-9, 14, 15 and 17-21 have been rejected under § 103 as obvious over this same reference.

The Simmons patent describes a so-called "medical diagnostic center" which contains items of emergency medical equipment, housed together with a seat platform and a fold-out bed platform on which a patient may lie prone. The system is designed essentially as a large cabinet which is intended to be recessed within the typical wall structure of a building, as best shown in Figure 10. The deployed position of the fold-out bed is illustrated in Figure 9. As shown in Figure 10, the cabinet is designed to fit between the wall studs of a standard building construction.

Although the patent does not specifically mention the size of the system, it is well known that standard building construction contemplates wall studs positioned on at least 15 inch centers. Therefore, it is appreciated that the Simmons system resides in a space which is approximately 15 inches wide by 6 feet tall. It is also apparent that the Simmons device is designed to be permanently fixed in position, and preferably installed during the original construction of the building in which it is housed.

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By contrast, the system according to the present invention is a small-hand-held apparatus which is intended to be carried by medical personnel to the site of the patient or accident victim. In one use, for example, the system of the invention could be employed in accident situations where it is necessary to carry the unit to the location of the victim or patient. Such a system, in addition to being portable, has obvious attendant advantages over the system of Simmons with respect to patients or victims who may be unconscious or otherwise unable to move on their own.

The claims of the application have been amended to emphasize the portability of the system of the invention in contrast to the wall-mounted permanently fixed arrangement of Simmons. It is apparent that Simmons did not appreciate portability as an aspect of his invention; similarly, it would not be possible to render the Simmons system portable yet still retain all of its features, notably the fold-out bed. Accordingly, it would not be obvious to modify the Simmons system so as to achieve a portable medical system.

In view of the foregoing, it is believed that all claims in the application now stand patentably distinguished over the cited prior art, whereby favorable reconsideration is kindly requested. Should the Examiner have any questions concerning the application, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

Respectfully submitted,



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